

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) 5:22CR00008
)
Gerald Leonard Drake)
)
Defendant.)

DECLARATION OF PUBLICATION

In accordance with 21 U.S.C. § 853(n)(1) and Rule 32.2(b)(6)(C) of the Federal Rules of Criminal Procedure, notice of the forfeiture was posted on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days, beginning on May 17, 2023 and ending on June 15, 2023. (See, Attachment 1).

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 01, 2023 at Roanoke, VA.



Christine Nicklas
Paralegal

Attachment 1

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA, HARRISONBURG DIVISION
COURT CASE NUMBER: 5:22CR00008; NOTICE OF FORFEITURE**

Notice is hereby given that on May 15, 2023, in the case of U.S. v. Gerald Leonard Drake, Court Case Number 5:22CR00008, the United States District Court for the Western District of Virginia entered an Order condemning and forfeiting the following property to the United States of America:

Pipe bomb components, black powder, and end caps (18-FBI-008476), including the following items: 1 Can containing 1 pipe nipple, 1 end cap, 1 partial end cap, wires, BBs, nuts, & battery connector, Ser No: None; 1 Can containing bulk powder, paper bag used to collect powder & powder residue, Ser No: None; 1 Can containing powder sample, Ser No: None which was seized from Arlene Betty Scott on October 14, 2017 at Cedar Creek and Belle Grove National Historical Park, 8340 Valley Pike, located in Middletown, VA

Thirteen (13) cans of black powder (20-FBI-008293) which was seized from Gerald Leonard Drake on October 16, 2019 at 163 Dairy Corner Place, Apartment 2, located in Winchester, VA

The United States hereby gives notice of its intent to dispose of the forfeited property in such manner as the United States Attorney General may direct. Any person, other than the defendant(s) in this case, claiming interest in the forfeited property must file an ancillary petition within 60 days of the first date of publication (May 17, 2023) of this Notice on this official government internet web site, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(n)(1). The ancillary petition must be filed with the Clerk of the Court, 116 N. Main Street, Room 314, Harrisonburg, VA 22802, and a copy served upon Assistant United States Attorney Melanie Smith, Attn: Asset Forfeiture Section, 310 First Street, S.W., 9th Floor, Roanoke, VA 24011. The ancillary petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought, pursuant to 21 U.S.C. § 853(n).

Following the Court's disposition of all ancillary petitions filed, or if no such petitions are filed, following the expiration of the period specified above for the filing of such ancillary petitions, the United States shall have clear title to the property and may warrant good title to any subsequent purchaser or transferee.

The government may also consider granting petitions for remission or mitigation, which pardon all or part of the property from the forfeiture. A petition must include a description of your interest in the property supported by documentation; include any facts you believe justify the return of the property; and be signed under oath, subject to the

penalty of perjury, or meet the requirements of an unsworn statement under penalty of perjury. See 28 U.S.C. Section 1746. For the regulations pertaining to remission or mitigation of the forfeiture, see 28 C.F.R. Sections 9.1 - 9.9. The criteria for remission of the forfeiture are found at 28 C.F.R. Section 9.5(a). The criteria for mitigation of the forfeiture are found at 28 C.F.R. Section 9.5(b). The petition for remission need not be made in any particular form and may be filed online or in writing. You should file a petition for remission not later than 11:59 PM EST 30 days after the date of final publication of this notice. See 28 C.F.R. Section 9.3(a). The <https://www.forfeiture.gov/FilingPetition.htm> website provides access to a standard petition for remission form that may be mailed and the link to file a petition for remission online. If you cannot find the desired assets online, you must file your petition for remission in writing by sending it to Assistant United States Attorney Melanie Smith, Attn: Asset Forfeiture Section, 310 First Street, S.W., 9th Floor, Roanoke, VA 24011. This website provides answers to frequently asked questions (FAQs) about filing a petition for remission. You may file both an ancillary petition with the court and a petition for remission or mitigation.



Advertisement Certification Report

The Notice of Publication was available on the www.forfeiture.gov web site for at least 18 hours per day between May 17, 2023 and June 15, 2023. Below is a summary report that identifies the uptime for each day within the publication period and reports the results of the web monitoring system's daily check that verifies that the advertisement was available each day.

U.S. v. Gerald Leonard Drake

Court Case No: 5:22CR00008
For Asset ID(s): See Attached Advertisement Copy

Consecutive Calendar Day Count	Date Advertisement Appeared on the Web Site	Total Hours Web Site was Available during Calendar Day	Verification that Advertisement existed on Web Site
1	05/17/2023	23.9	Verified
2	05/18/2023	24.0	Verified
3	05/19/2023	23.9	Verified
4	05/20/2023	24.0	Verified
5	05/21/2023	23.9	Verified
6	05/22/2023	23.9	Verified
7	05/23/2023	23.9	Verified
8	05/24/2023	23.9	Verified
9	05/25/2023	24.0	Verified
10	05/26/2023	23.9	Verified
11	05/27/2023	23.9	Verified
12	05/28/2023	23.9	Verified
13	05/29/2023	23.9	Verified
14	05/30/2023	23.9	Verified
15	05/31/2023	23.9	Verified
16	06/01/2023	23.9	Verified
17	06/02/2023	23.9	Verified
18	06/03/2023	23.9	Verified
19	06/04/2023	23.9	Verified
20	06/05/2023	23.9	Verified
21	06/06/2023	23.9	Verified
22	06/07/2023	23.9	Verified
23	06/08/2023	23.9	Verified
24	06/09/2023	23.9	Verified
25	06/10/2023	23.9	Verified
26	06/11/2023	24.0	Verified
27	06/12/2023	23.9	Verified
28	06/13/2023	24.0	Verified
29	06/14/2023	23.9	Verified
30	06/15/2023	23.9	Verified

Additional log information is available and kept in the archives for 15 years after the asset has been disposed.